Remarks

Claims 1-2, 4-10 and 12-17 are pending in this application. Claims 1, 9 and 17 are amended and claims 3 and 11 are deleted. No new matter is added by these amendments.

In the Office Action, the Examiner rejected claims 1-6, 8-14, 16, and 17 under 35 U.S.C. § 102(e) and claims 7 and 15 under 35 U.S.C. § 103(a). Applicants respectfully traverse these rejections. For the reasons set forth below, Applicants believe the claims are in condition for allowance and notice to that effect is earnestly solicited.

Claim Rejections under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-6, 8-14, 16 and 17 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,249,769 to Ruffin et al.

Ruffin teaches for example "a computer-based method for performing an interactive analysis of a business entity to devise an information technology solution applicable to the business entity" that includes the following steps:

> providing information technology solution details to said business entity;
> receiving feedback from the business entity . . .
> storing said received feedback in a storage device . . .
> determining, based upon said stored feedback, whether said business entity is
>   qualified to participate in said interactive analysis.

See Ruffin claim 3. In claim 6, Ruffin recites that "said step of determining whether said business entity is qualified is based upon an established business criteria, said criteria including indicia stored in said storage device."

Claim 1 of Applicants' Application recites:

1. A method for effectively selling at least one of products and services comprising the steps of:
(a) determining an existing network framework;
(b) defining a plan which includes improvements to the existing network framework;
(c) displaying a pictorial representation of the existing network framework and a plurality of components of the existing network framework; and
(d) indicia coding the components of the existing network framework to which the products and services relate in order to sell at least one of products and services relating to components of the existing network

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framework, wherein the at least one of products and services are necessary to implement the improvements.

The Examiner stated that:

> Ruffin et al teaches all the limitations of Claims 1-6, 8-14, 16, and 17. For example, Ruffin et al discloses an automated method . . . for a) evaluating aspects of a business enterprise and business-related requirements of the enterprise which include information technology (IT) requirements, and b) utilizing the information to sell and deliver products or services . . . Ruffin et al discloses framework assessment including . . . pictorial representations with indicia coding . . . . (see at least Fig. 7 (700); Fig. 9 (901, 902n, 904); col. 7, line 66 through col. 8, line 9; col. 15, lines 36-40; col. 23, line 35; col. 25, lines 32-34).

Applicants respectfully traverse this rejection. Ruffin fails to teach or disclose each element of the claims. For example, Ruffin does not show or describe "displaying a pictorial representation of the existing network framework and a plurality of components of the existing network framework" and "indicia coding the components of the existing network framework" to which products and services relate as recited in claim 1.

In the Office Action, the Examiner cited Figure 7 and Figure 9 in support of the rejection. Neither Figure 7 nor Figure 9 teaches or suggests displaying a pictorial representation of the existing network framework and a plurality of components of the existing network framework and indicia coding the components of the existing network framework as recited in the claims.

Figure 7 of Ruffin shows a graph of cost data for an IT system. The lines on the graph include geometric shapes which correspond to items on a legend stating the budget item to which each line relates. Figure 7 does not show a pictorial representation of an existing network framework and components or indicia coding the components as recited in the claims.

Figure 9 of Ruffin shows a process flow chart for a business solution assessment tool. (See Ruffin, Col. 5, lines 25-26 and Col. 15, lines 47-49.) Figure 9 does not show or describe a pictorial representation of the existing network framework and components or indicia coding the components as recited in the claims.

The office action also cites four locations in Ruffin, but none of these describe the claim elements either. Col. 7, line 66-Col. 8, line 9 of Ruffin discusses that data in a

database is used as an input to project implementation assessment tools. Col. 15, lines 36-40 discusses how customer objectives are viewed by the customer. Col. 23, line 35 is within claim 6 and col. 25, lines 32-34 is within claim 27, which state that established business criteria including indicia is stored in a storage device. The term indicia appears in some claims but not in the Ruffin specification. Indicia as used in the claims seems to refer to a type of data that is stored. These text passages do not describe displaying a pictorial representation of an existing network framework and its components or indicia coding the components to which products and services relate. For these reasons, claim 1 is allowable over Ruffin.

Claims 9 and 17

Claim 9 requires "a code segment that indicia codes the components of the existing network framework to which the product and services relate in order to sell at least one of products and services relating to components of the existing network framework." Claim 17 requires "logic for indicia coding the components of the existing network framework to which the product and services relate in order to sell at least one of products and services relating to components of the existing network framework." Ruffin also fails to disclose at least these elements of Claim 9 and Claim 17, as discussed above.

Claims 2, 4-8, 10 and 12-17

Claims 2, 4-8, 10 and 12-17 are allowable at least because they depend from an allowable independent claim.

Accordingly, it is believed that the claims fully comply with § 102(e). Reconsideration and withdrawal of this rejection is respectfully requested.

Claim Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 7 and 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,249,769 to Ruffin et al in view of U.S. Patent No. 5,958,012 to Battat et al.

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Battat discloses color-coded alerts (col. 5, line 5) and realistic rendering that uses color and texture-mapping (col. 11, lines 53-60 ("Realism Enhancers"), col. 12, lines 53-63 (providing a "photorealistic appearance").

The Examiner noted that Ruffin "fails to disclose the use of indicia color coding" but stated that Battat et al "teaches pictorial representations, color-coded indicia, texture mapping, and shading to highlight indicia and render realistic pictorial representations of framework components and processes."

The Examiner also stated that "It is old and well known that IT vendors use demonstratable versions of their hardware and software products in sales situations to analyze a potential customer's network to highlight products or services missing that can be provided by the vendor." The Examiner concluded:

> Therefore it would have been obvious to one of ordinary skill in the art at [the] [sic] time of the invention to modify the system and method of Ruffin et al to include indicia designs as taught by Battat et al, in order to accentuate key framework products or services required to solve the customers business problems.

Applicants respectfully traverse this rejection. Ruffin and Battat do not teach or suggest each element of claims 7 and 15. To the extent that the Examiner relies on Official Notice, Applicants respectfully request that the Examiner provide a reference to support the rejection. The information cited as Official Notice by the Examiner does not involve displaying a pictorial representation of components of a network framework and indicia coding the components. Rather the Official Notice discusses demonstrating hardware and software products.

Ruffin and Battat do not for example teach or suggest "displaying a pictorial representation of the existing network framework and a plurality of components of the existing network framework" and "indicia coding the components of the existing network framework" as recited in claim 1. Applicants also respectfully note that "The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention." MPEP §2141.

The lack of these teachings in Ruffin is discussed above in detail. Battat discusses the use of color and texture coding for several different purposes, including displaying alerts and paths to diagnose problems (Col. 5, lines 5-9), defining geographic

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areas (Col. 11, lines 53-61), decoration (Col. 12, lines 54-56), and to give a realistic appearance (Col. 12, lines 60-62). However, Battat does not discuss using indicia coding, such as color coding, to show which components of an existing network framework relate to products or services.

Further, Applicants respectfully submit that there is no motivation to combine Battat and Ruffin. Ruffin relates to evaluation of business requirements of a customer, while Battat relates to the very different field of using visual techniques to display and simplify network management. Because Battat and Ruffin are from different, non-analogous fields, one of skill in the art would not combine teachings from these two references.

Accordingly, it is believed that the claims fully comply with § 103(a). Reconsideration and withdrawal of this rejection is respectfully requested.

Summary

In summary, each of the pending claims are in condition for allowance and a notice of allowance is respectfully requested.

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Title

The title has been amended as follows: [A SYSTEM, METHOD, AND ARTICLE OF MANUFACTURE FOR A] WEB-BASED ARCHITECTURE SALES TOOL

In the Claims

Claims 3 and 11 have been cancelled. Claims 1, 9 and 17 have been amended as follows:

1. (Once Amended) A method for effectively selling at least one of products and services comprising the steps of :

(a) determining an existing network framework;

(b) defining a plan which includes improvements to the existing network framework;

(c) displaying a pictorial representation of the existing network framework and plurality of components of the existing network framework; and

(d) indicia coding the components of the existing network framework to which the products and services relate in order to sell at least one of products and services relating to the components of the existing network framework, wherein the at least one of products and services are necessary to implement the improvements.

9. (Once Amended) A computer program embodied on a computer readable medium for effectively selling at least one of products and services comprising:

(a) a code segment that determines an existing network framework;

(b) a code segment that defines a plan which includes improvements to the existing network framework;

(c) a code segment that displays a pictorial representation of the existing network framework and a plurality of components of the existing network framework; and

(d) a code segment that indicia codes the components of the existing network framework <u>to which the products and services relate</u> in order to sell at least one of products and services relating to the components of the existing network framework, wherein the at least one of products and services are necessary to implement the improvements.

17. (Once Amended) A system for effectively selling at least one of products and services comprising:

(a) logic for determining an existing network framework;

(b) logic for defining a plan which includes improvements to the existing network framework;

(c) logic for displaying a pictorial representation of the existing network framework and a plurality of components of the existing network framework; and

(d) logic for indicia coding the components of the existing network framework <u>to which the products and services relate</u> in order to sell at least one of products and services relating to the components of the existing network framework, wherein the at least one of products and services are necessary to implement the improvements.